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97 OCT 17 AM 9:21

SAN JOAQUIN COUNTY
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exempt

RESOLUTION NO. 97-173

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE IMPROVEMENT AGREEMENT ADDENDUM,
ACCEPTING THE SUBDIVISION IMPROVEMENTS
INCLUDED IN THE IMPROVEMENT AGREEMENT FOR
BRIDGETOWNE, UNIT NO. 1, TRACT NO. 2133 AND
APPROPRIATING FUNDS FOR REQUIRED PAYMENTS AND
REIMBURSEMENTS

WHEREAS, under the terms of the Improvement Agreement dated December 18, 1996, for Bridgetowne, Unit No. 1, the subdivision includes installation of street improvements on the north half of Turner Road which includes the future neighborhood park site (Lot 1) frontage. The developer will also be performing additional pavement removal and reconstruction work in a 12-foot wide strip south of the centerline on Turner Road which is included in the City Pavement Maintenance Program and was not addressed in the original improvement agreement; and

WHEREAS, the installation of curb, gutter, sidewalk and new underground public utilities has been accomplished for the project; however, the pavement in the interior streets in this subdivision is not acceptable to the City and must be repaired. The developer has provided an improvement security for the asphalt corrections that are needed; and

WHEREAS, relocation work by public utilities having existing facilities within the Turner Road right-of-way has delayed completion of the street paving work in Turner Road. Since the scheduling of utility relocation work is beyond the developer's control, the developer has requested that the subdivision improvements be accepted prior to completion of the Turner Road street paving; and

WHEREAS, the developer has executed an improvement agreement addendum which sets forth the conditions under which the subdivision improvements can be accepted prior to the completion of Turner Road street paving and has provided the necessary improvement security for this work. The addendum also provides for payment for the additional pavement removal and reconstruction work which is included in the City Pavement Maintenance Program and will be installed by the developer with the Bridgetown project; and

WHEREAS, the developer has also installed a 10-inch public water main which extends easterly in Turner Road from the Bridgetown subdivision boundary to the existing water main in Turner Road. The developer was required to perform this work to provide water service to the subdivision due to nonperformance of the adjacent property owner who was to install the water main under the terms of an improvement deferral agreement recorded June 18, 1991 in the office of the County Recorder. Performance under the deferral agreement was requested by Council action on December 18, 1996. Since legal proceedings will be instituted against the adjacent property owner to recover the cost of the water main installation and associated legal costs, the improvement agreement addendum contains a provision to reimburse the developer for the cost of this work; and

WHEREAS, staff recommends that Council approve the Addendum to the Improvement Agreement and allow acceptance of the public improvements for Bridgetowne, Unit No. 1 prior to completion of the Turner Road street paving.

The City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement is hereby approved and further authorizes the City Manager and City Clerk to execute said Addendum; and
2. That all requirements of the Improvement Agreement between the City of Lodi and Chris R. Keszler and LaVeta Keszler, A. Fred Baker and G. Camy Baker, for the improvements for Bridgetowne, Unit No. 1, Tract No. 2133, have been substantially complied with. The improvements are shown on Drawings Nos. 96D056 through 96D064 and 96D082 on file in the Public Works Department; and
3. That funds in the amount of \$42,310.84 (Water Fund \$5,871.25; and Street Fund \$36,439.59) be appropriated for required payments and reimbursements; and
4. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Bridgetowne Drive	0.19
Bristol Lane	0.13
Inverness Drive	0.11
Regent Street	0.09
Stratford Way	0.03
Turner Road	0.00
Waterford Way	0.11
Total New Miles of City Streets	0.66

Dated: October 15, 1997

I hereby certify that Resolution No. 97-173 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 1997 by the following vote:

AYES: COUNCIL MEMBERS – Land, Mann, Sieglock, Warner and Pennino (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


ALICE M. REIMCHE
City Clerk